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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/416,757	10/12/1999	LILA MADOUR	040010-440	6600

21839            7590            11/06/2002

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[REDACTED] EXAMINER

WAXMAN, ANDREW

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2662

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/416,757	MADOUR ET AL.
Examiner	Art Unit	
Andrew M Waxman	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> .	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1-7 disclose the use of “an unsolicited connection procedure” for the acquisition of a gateway address. The specification does not sufficiently explain the procedure so as to enable anyone of ordinary skill in the art to make use of it.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Sturniolo et. al., patent number 6,201,962, herein after referred to as Sturniolo.

3. Regarding claim 1, Sturniolo discloses a method for keeping a session active while changing data communications networks. In association with a session (Fig. 2 element 58), packets are received (Fig. 2 element 67) over a first communications network (Fig. 1 LAN 1). A second connection is then requested (Fig. 2 element 74) with a second data communications network (Fig. 2 LAN 2). An address of a gateway (Fig. 2 element 76) associated with the second network is acquired and packets are routed (Fig. 2 element 67) over the second connection based on the gateway address.

4. Regarding claim 4, Sturniolo teaches all of the limitations with respect to claim 1 also including the request for the second connection being initiated by the user equipment (Fig 4o element 114 see col. 18 lines 25-29).

5. Claim 6 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by White et. al., patent number 6,069,890, herein after referred to as White.

6. Regarding claim 6, White teaches a method including receiving packets from a first data network (Fig. 4 100-108). Sending routing information from a gateway in the first data network (Fig. 4 element 104) to one or more gateways in the neighboring networks (Fig. 4 element 116

see col. 8 lines 62-65). Establishing a connection and forwarding packets between the second gateway (Fig. 4 element 116) and the user equipment. Receiving the packets at the user equipment (Fig. 4 element 118 see col. 8-9 lines 66-67, 1-3).

7. Claim 5 and 7 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Aziz, patent number 5,325,362.

8. Regarding claim 5, Aziz teaches a method that includes receiving packets from a first network (Fig. 9 element 20). Moving to and selecting a gateway (Fig. 9 element 60) in a second network (Fig. 9 element 27). Initiating a connection request in the second network that includes the address of a gateway associated with the first network (see col. 6 lines 56-60). Forwarding packets to and receiving packets at the gateway in the second network (Fig. 9 Tunnel 'A').

9. Regarding claim 7, Aziz discloses a method that includes receiving packets from a first network. Sending a request for access (WHO\_HAS see col. 6 lines 58-60), from user equipment (Fig. 8 element 50) to a second network (Fig. 8 element 27). Connecting and retrieving the address of a gateway (Fig 8 element 60) in the second network. Sending the address from the user equipment to a gateway in the first network (I\_HAVE see col. 7 lines 2-4), forwarding packets from the first gateway to the second gateway and then on to the user equipment (Tunnel is established. See col. 7 lines 3-7).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Turunen, patent number EP 0 924 914 A2, discloses a mobile internet protocol.

11. Flynn, patent number WO 99/31853, discloses a method for mobile data routing.

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12. Burgaleta Salinas et. al., patent number 6,469,998, discloses a method and apparatus for communicating data packets from an external packet network to a mobile radio station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M Waxman whose telephone number is (703) 305-8086. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Andrew M. Waxman  
October 31, 2002

  
HASSAN KIZOU  
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